

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- August 20, 1968

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

Samuel E. Dunnam, Chairman
Hiram S. Brown
Alan Taniguchi
Dr. William Hazard
William Milstead
Robert B. Smith
G. A. McNeil
Roger Hanks

Absent

Robert Kinnan

Also Present

Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning
Glenn Cortez, Assistant City Attorney
Walter Foxworth, Associate Planner
Bill Burnette, Associate Planner
Shirley Ralston, Administrative Secretary

ZONING

The following changes were considered by the Zoning Committee at the meeting of August 13, 1968.

Present

Dr. William Hazard, Chairman
Robert B. Smith
Hiram S. Brown
G. A. McNeil

Also Present

Richard Lillie, Asst. Director of Planning
Bill Burnette, Associate Planner
Shirley Ralston, Administrative Secretary

PUBLIC HEARINGS

C14-68-160 Barbara Brawner: A to BB (as amended)
3103-3105 Manchaca Road
Rear of 2827-3207 Manchaca Road
1904-1916 and 1905-1917 Lightsey Road

STAFF REPORT: This application was postponed at the last Commission meeting because there were several property owners affected by the request that did not receive notice of the hearing. The request has been readvertised for hearing at this time. This application covers approximately 10.89 acres of land which is presently undeveloped. The proposed use of the site is for

C14-68-160 Barbara Brawner--contd.

duplex and fourplex development. The property is located on Manchaca Road and abuts a tier of residential lots having frontage along Edgeware Drive. Barton Skyway with a proposed right-of-way of 90 feet has been dedicated through the site and will eventually connect with Lightsey Road.

At the last Zoning Committee Meeting, the major objection to the request was with regard to the southern 171 x 310 feet of the application which abuts the residential lots along Edgeware Drive. At the Committee's request, the applicant amended the application to exclude that portion of the site. The staff also recommends that this portion not be included in the application. The area along Manchaca Road is zoned "A" Residence, "LR" Local Retail and "C" Commercial, and developed with a number of different uses. The staff has no objection to apartment development, but it would be preferable to have a lower density development in this area instead of "B" Residence, First Height and Area; therefore it is recommended that "BB" Residence, First Height and Area zoning be granted. The applicant has indicated that "BB" First Height and Area zoning would be agreeable.

TESTIMONY

WRITTEN COMMENT

Code

F	Jesse A. Phillips: 1809 Lightsey Road	FOR
L	Walter L. Strickland: 1914 Edgeware Drive	AGAINST
AU	G. M. Nowacki: 1908 Edgeware Drive	AGAINST
S	Martin C. Goetz: 1903 Edgeware Drive	AGAINST
H	Mrs. Lee G. Buslett: 1902 Edgeware Drive	AGAINST
T	Mrs. Iva M. Edwards: 1901 Edgeware Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

L	Mr. & Mrs. Walter L. Strickland: 1914 Edgeware Drive	AGAINST
AU	G. M. Nowacki: 1908 Edgeware Drive	AGAINST
S	Martin C. Goetz: 1903 Edgeware Drive	AGAINST
H	Mrs. Lee G. Buslett: 1902 Edgeware Drive	AGAINST

SUMMARY OF TESTIMONY

No one appeared in behalf of the request.

Several nearby property owners appeared in opposition to the request because of the existing residential development along Edgeware Drive. They stated that homes were purchased in this area in reliance upon the Zoning Ordinance and that it would be unfair and detrimental to the property owners who bought their homes under the "A" classification to have the area changed for the benefit of one property owner. There would not be as much opposition if the southern portion of the tract is left "A" Residential.

C14-68-160 Barbara Brawner--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they stated they would look with favor on granting "BB" Residence, First Height and Area for the site, with the exception of the southern 171 x 310 foot portion of the property abutting the residential lots along Edgeware Drive, as a logical use of the property adjacent and adjoining commercial tracts to the north being served by a 90 foot thoroughfare street.

At the Commission meeting, Mr. Burnette reported that the staff has discussed this application with Mrs. Brawner and she has orally agreed to the Committee's recommendation and is willing to amend her application to "BB" Residence, First Height and Area, and to delete the southern 171 x 310 foot portion of the property which abuts the residential development fronting onto Edgeware Drive.

The Commission accepted the amended request as they felt that "BB" Residence, First Height and Area zoning would be a logical use of the property. It was then unanimously

VOTED: To recommend that the request of Barbara Brawner for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 3103-3105 Manchaca Road, 1904-1916 and 1905-1917 Lightsey Road, and the rear of 2827-3207 Manchaca Road, with the exception of the southern 171 x 310 foot portion of the tract be GRANTED.

C14-68-162 Harris Burrow: A to B
 1124-1126 East 51st Street

STAFF REPORT: This application covers two lots totaling 21,867 square feet of land which is presently developed with two single-family dwellings. The stated purpose of the request is for apartment development. There is a mixed zoning pattern in the area. "BB" Residence, First Height and Area zoning exists on East 52nd Street and East 51st Street, and apartments are developed to the north along East 52nd Street. To the east along Lancaster Court there is single-family and duplex development. Along Cameron Road to the west there is "LR", "C", "C-2" and "GR" zoning districts which are developed with a variety of uses. One lot removed from the subject property to the west there is a pending request of "B" Residence, Second Height and Area zoning. The case has been pending since 1965, because of right-of-way for East 51st Street. In 1967, it was reported that all the right-of-way needed for East 51st Street would come from the south side of the street so there is no longer a problem with that request. The staff would recommend that "BB" Residence, First Height and Area zoning be granted on this application and on case C14-65-12 rather than the requested "B" Second Height and Area.

C14-68-162 Harris Burrow--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "BB" Residence, First Height and Area zoning be granted as it would be consistent with the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Harris Burrow for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1124-1126 East 51st Street be DENIED, but that "BB" Residence, First Height and Area be GRANTED.

C14-68-163 James A. Holden: A, 1st & C, 2nd to B, 1st
5400 Jeff Davis Avenue

STAFF REPORT: This site contains 13,580 square feet. The stated purpose of the application is for apartment development. The requested zoning would permit 14 one bedroom units on the site. The surrounding area is developed with residential single-family development and a few non-conforming uses. There is commercial development and zoning along Burnet Road to the west. There have been recent zoning changes in this immediate area. An application for "LR" First Height and Area and "B", Residence, Second Height and Area zoning was recently considered by the Commission for a large tract of land which fronts onto Houston, North Loop Boulevard, Jim Hogg and Joe Sayers Avenue. The application was amended to "LR" Local Retail, First Height and Area for property located at the intersection of North Loop Boulevard and Jim Hogg Avenue and "B" and "BB" Residence, First Height and Area for the remainder of the tract. A recent request for "BB" Residence, First Height and Area on property north of Houston Street along Jim Hogg Avenue has also recently been granted. In view of the recent zoning changes, and the existing development along Burnet Road, the staff feels that the requested zoning would be appropriate for this area; however, Jeff Davis Avenue, with a present

C14-68-163 James A. Holden--contd.

right-of-way of 50 feet should be widened which will require five feet from the subject property. Subject to the right-of-way being made adequate, the staff recommends in favor of the request.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Jeff Davis Avenue; however, they stated they would look with favor on the requested zoning provided the street is made adequate, as it conforms to recently established zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James A. Holden for a change of zoning from "A" Residence, First Height and Area and "C" Commercial Second Height and Area to "B" Residence, First Height and Area for property located at 5400 Jeff Davis Avenue be DENIED.

C14-68-164 Wiley D. Pringle: Int. A, Int. 1st to C, 1st
7800-7804 Ceberry Drive
3618-3698 Spicewood Springs Road
7901-7913 Baywood Drive

STAFF REPORT: There are seven zoning applications before the Committee at this time that have reference to preliminary subdivision proposals. The staff and the Planning Commission have been concerned about approval of multi-family and or commercial designations on preliminary plats without adequate zoning review. The approval of a preliminary plat by the Subdivision Committee more or less implies that non-residential uses are recommended when in fact the property has not been before the Zoning Committee, Planning Commission or City Council. It is recommended that in order to provide a more consistent basis for zoning and subdivision of land that approval of preliminary plats be withheld until the zoning on land within the subdivision has been approved. This procedure will provide more adequate

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C14-68-164 Wiley D. Pringle--contd.

notice to surrounding property owners. In the past there has been a great deal of conflict between land developers and the affected property owners who have not been aware of the proposed development. The staff also feels that this approach will enable the Commission to more adequately review and recommend on land use proposals.

The subject property, a large irregular shaped tract of land, contains approximately 5.37 acres which is presently undeveloped. The stated purpose of the application is for a community center. The land adjacent to the property under consideration has abrupt changes in topography at the rear of the subject lot and across Spicewood Springs Road. The preliminary plan for Balcones West as with all subdivision plans, indicates alternate plan for the property. The alternate subdivision layout proposes two cul-de-sac streets with lots platted around them. The preliminary plat does not indicate any use other than single-family as shown on the plat.

The site is located along Spicewood Springs Road, a major arterial street, which has varying right-of-way within this area. The proposed right-of-way is 90 feet. Because of the varying right-of-way, 45 feet of right-of-way is needed from the center line of the street which could require approximately 15 feet from the subject property. The staff agrees that it is unlikely that the tract will be developed with single-family dwellings. It is recommended that the requested "C" zoning be denied and that "BB" Residence, First Height and Area zoning be recommended.

Non-residential uses in newly developing areas should be encouraged to locate at the intersection of major arterial streets. To approve non-residential zoning along major arterial streets between the major intersections would lead to future strip zoning and the problems which accompany strip development. The intersection of Balcones Drive and Spicewood Springs Road to the east will be an interchange on the Mo-Pac system and the intersection of Mesa Drive and Spicewood Springs Road to the west well both likely have non-residential development. These major arterial street intersections are one mile apart and it is felt that the approval of zoning for non-residential development on the subject tract would set a precedent for strip commercial zoning along Spicewood Springs Road. There are large tracts of land on both sides of the road which are outside the City limits, still undeveloped and without any kind of a preliminary plan. For that reason, the staff feels the zoning should be limited to low-density apartment use.

TESTIMONY

WRITTEN COMMENT

Code

- | | | |
|---|---|---------|
| B | Don Delaney: 3402 Ocean Drive, Corpus Christi, Tex. | AGAINST |
| D | Harry High: 1301 West 9th Street | FOR |
| F | Frank C. Rocco: 3600 Starline Drive | AGAINST |
| G | Murray L. Eggeling: 3602 Starline Drive | AGAINST |

C14-68-164 Wiley D. Pringle--contd.

PERSONS APPEARING AT HEARING
Code

	Oscar W. Holmes (representing applicant)	
G.	Mr. & Mrs. M. L. Eggeling: 3602 Starline Drive	AGAINST
P	Jack McGraw: 3807 Spicewood Springs Road	AGAINST
P	Marie McGraw: 3807 Spicewood Springs Road	AGAINST
L	A. L. Fitzgerald: 3900 Spicewood Springs Road	AGAINST
?	Homer Reed: 8004 Havenwood Drive	AGAINST
?	J. H. Templeton: 8000 Havenwood Drive	AGAINST
?	Thomas Smith	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Oscar Holmes, engineer for the applicant, stated that there is a plan for this particular site which is located between two very heavy terrain characters, and there is about a thirty foot drop between the high bluff side and the low bluff side of this particular draw which goes through the edge of the site. There is another bluff line on the south side of Spicewood Springs Road. Mr. Holmes stated that the applicant has had this property since 1964 at which time a preliminary plan was submitted and approved. At that time, it was not known exactly what use would be put on the property so an alternate residential layout was shown. Since 1964, it has been found that there is a need for a small community center in this area coupled with an apartment complex. It is felt that this would be one of the highest and best uses of the land. The plans at the present time are for apartments in the southern portion of the area, having frontage onto Ceberry Drive, which would serve as a buffer for some of the residential lots along Ceberry Drive. The area to the north from Baywood Drive south for 400 to 450 feet would be developed with a service station and other general community type center uses. The "C" Commercial zoning is requested for the service station and high density uses. It is felt that the requested zoning will allow the highest and best use of the land, and it is also felt that since the property slopes from a high plain to a low plain to a creek that it is not suitable for residential development. Spicewood Springs Road is a proposed thoroughfare and the proposed development is a logical and proper zoning for this street.

Mr. Thomas Smith, nearby property owner, stated that in his opinion this is a logical and proper location for the proposed zoning because of the fact that Spicewood Springs Road is a major arterial street.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request. They stated that the residents of this area are concerned with the precedent that commercial zoning along Spicewood Springs Road would set. The entry into this area is one of the most scenic parts of Austin and commercial uses along this street would not be conducive to maintaining the existing beauty

CI4-68-165 Wiley D. Pringle--contd.

regard to the establishment of zoning before approval of subdivision plans. The request is for "B" Residence, First Height and Area zoning on Tract 1; "BB" Residence, First Height and Area zoning on Tract 2; "C" Commercial, First Height and Area on Tract 3; and "D" Industrial, Second Height and Area on Tract 4. The Master Plan of the City has been amended to include industrial uses in this area along the east side of the railroad track to Shoal Creek Boulevard. The subdivision is in conformance with the Master Plan.

"O" Office zoning adjoins Tracts 1 and 4 on the south. There is "D", "C" and "GR" zoning also established to the south along Steck Avenue. The subdivision plan proposes lots between Shoal Creek Boulevard and the creek. Shoal Creek drainage channel will serve as a buffer.

There is a question in connection with Tract 2 in that the Preliminary plan for this general location would be subdivided for the purpose of single-family development which could also include duplexes. For that reason the requirement for right-of-way on the east-west street bordering Tract 2 and the cul-de-sac extending into Tract 2 was 50 feet. The approved preliminary plan on Northwest Terrace proposes a 60 foot street to extend through the adjacent property and subject tract and connect to Shoal Creek Boulevard. A schematic plan on the adjacent property was prepared by the engineer of Allandale Estates, and indicated how the east-west street could be off-set within the adjacent tract so as to eliminate the need for a 60 foot collector street. Since the submission of the preliminary plan for Allandale Estates, the developer is now considering Tract 2 for fourplex development. In view of the revised plans the staff recommends that 60 feet of right-of-way be required for the east-west street and also the cul-de-sac street extending into Tract 2. This requirement is consistent with the Planning Commission and City Council action with respect to right-of-way requirements for higher density areas. The staff recommends the request to "B" Residence, First Height and Area zoning on Tract 1, which would permit the development of 270 units, be granted; "BB" Residence, First Height and Area on Tract 2 be granted, provided the streets are adequate; "C" Commercial, First Height and Area zoning Tract 3 be granted; and that the requested "D" Industrial, Second Height and Area zoning on Tract 4 be denied, but that "D" Industrial, First Height and Area be granted, as it is a logical extension of the existing "D" zoning to the south. There is no other second height and area zoning in this area and it is felt that it would not be compatible with the surrounding development.

TESTIMONY

WRITTEN COMMENT

Code

D	Dudley Prade: 501 East Avenue	FOR
P	Robert C. Behn: 10407-A 46th Street, Beltsville, Maryland	FOR

C14-68-165 Wiley D. Pringle--contd.

PERSONS APPEARING AT HEARING

Code

Oscar W. Holmes (representing applicant)

SUMMARY OF TESTIMONY

Mr. Oscar Holmes, engineer for the applicant, stated that "D" First Height and Area zoning on Tract 4 would be agreeable if First Height and Area is established with "D" Industrial zoning to the south. The recommendation by the Planning Department is agreeable on Tracts 1, 3, and 4; however, there is disagreement on Tract 2 because of the right-of-way needed. The right-of-way is shown on the preliminary as well as the final plat which has not been approved by all departments, but has been put on record shows 50 feet of right-of-way for the east-west streets and for the cul-de-sac street extending into Tract 2. All of the area which is Section 4 of the subdivision has been surveyed and street plans have been made. Mr. Holmes stated that right-of-way has been discussed with the Director of Public Works, and there is an oral statement that it will be satisfactory to him if a five foot sidewalk easement is given along the east-west street and the cul-de-sac street extending into Tract 2 with an added 30 foot setback rather than 25 feet. It is felt that the additional five foot easement with a 30 foot setback would accomplish the same purpose as a 60 foot right-of-way. Street plans have been presented to Public Works Department showing the 40 feet of pavement instead of 30 feet. This would mean that there would be 40 feet of paving within the 50 feet of right-of-way which would widen the workable area of the right-of-way. For this reason and because of the fact that all of the work has been done on the ground, it is felt that the 50 feet of right-of-way is adequate.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning on Tracts 1 and 3 should be granted; the requested zoning on Tract 2 be denied because of inadequate right-of-way, and the requested zoning on Tract 4 be denied, but that "D" Industrial, First Height and Area zoning be granted as a logical and proper zoning for the area. The Committee further stated they would look with favor on the requested "BB" Residence, First Height and Area zoning for Tract 2 if the streets are made adequate.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Wiley D. Pringle for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tract 1) be GRANTED, "BB" Residence, First Height and Area (Tract 2) be DENIED, "C" Commercial, First Height and Area (Tract 3) be GRANTED and that "D" Industrial, Second Height and Area (Tract 4) be DENIED but that "D" Industrial, First Height and Area be GRANTED.

C14-68-165 Wiley D. Pringle--contd.

Mr. Osborne advised the Commission that there was apparently some confusion between the staff and Mr. Jack Andrewartha, the developer, as to what was proposed for the provision of streets with reference to Tract 2.

In view of the information by Mr. Osborne, the Commission

VOTED: To RECONSIDER this request.

Mr. Osborne explained that Mr. Andrewartha has assured the staff that he will dedicate the street easement or whatever is needed for the streets but he would like to have the plat approved when the final is submitted with provision for 50 foot streets; however, he will provide additional easements and additional setbacks on the plat to protect the street dedication. He has assured the staff that there will be a 60 foot street. In view of his statement, the staff recommends that the requested zoning on Tract 2 be granted. The Commission concurred with the staff recommendation, and unanimously

VOTED: To recommend that the request of Wiley D. Pringle for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tract 1); "BB" Residence, First Height and Area (Tract 2); and "C" Commercial, First and Area (Tract 3) be GRANTED and that the requested "D" Industrial, Second Height and Area (Tract 4) be DENIED but that "D" Industrial, First Height and Area be GRANTED for the property located at 8501-8809 Shoal Creek Boulevard (Tract 1), 8901-8913 Shoal Creek Boulevard (Tract 2), 8915-8949 Shoal Creek Boulevard and 3003-3017 U. S. Highway 183 (Tract 3), and 8500-8948 Shoal Creek Boulevard and 3027-3327 U. S. Highway 183.

C14-68-166 Ralph E. Hays and R. D. Seider: Int. A, Int. 1st to GR, 1st
(by Tom Smith)
Tract 1: 6202-6212 Manchaca Road
Tract 2: 6218-6316 Manchaca Road

STAFF REPORT: This application covers two tracts of land totaling approximately 5.24 acres. The stated purpose of the request is for a grocery store and related uses. Tract 1, containing approximately 1.12 acres of land has frontage onto Manchaca Road. Tract 2 contains approximately 4.12 acres and fronts onto Manchaca Road on the east and Berkley Avenue on the south. Mary Cunningham Elementary School is established to the west across a proposed street. To the east, across Manchaca Road, is a church and Cherry Creek Residential Subdivision. The zoning pattern in the area is Interim "A" Residence, Interim First Height and Area. Manchaca Road is classified as a major arterial street with a proposed right-of-way of 90 feet. If the subject property is rezoned, at least five feet of right-of-way should be required for widening Manchaca Road, and it is recommended that the proposed streets between the tracts and to the west of Tract 2 be developed with 60 feet of right-of-way. A portion of Tract 1 is outside of the City limits and cannot be considered for rezoning until it has been annexed.

C14-68-166 Ralph E. Hays and R. D. Seider--contd.

Stassney Lane, a major arterial street is located to the north, and there is an outer loop proposed that will be developed just south of Berkley Avenue. The subject property does fall between these two major arterial intersections. The staff recommends that the Planning Commission consider non-residential zoning primarily at these major arterial intersections rather than on property located between to prevent the occurrence of strip business uses in newly developing areas. It is also felt that the particular use which is proposed would generate traffic in very close proximity to the elementary school. Therefore, it is recommended that this request be denied.

TESTIMONY

WRITTEN COMMENT

Code

J	Jesse Houston: 6401 Manchaca Road	AGAINST
G	Calvin C. Corbwell: 505 Oakland Avenue	FOR
R	M. B. Rivers: 1906 Boxwood Court	AGAINST

PERSONS APPEARING AT HEARING

Code

Tom Smith (representing applicant)

SUMMARY OF TESTIMONY

Mr. Tom Smith, representing the applicant, was present and stated that he does not agree with the Planning Department's recommendation because of the fact that Manchaca Road is a major arterial street, and this is the most logical place to establish commercial zoning. There is a buffer fence for the residential property across Manchaca Road so that this should not present a problem. The area in Tract 1 which is outside the City limits will be deleted from the application. It is felt that any time there is an application along a main artery for a General Retail use which would allow a grocery store in a residential area, it stands to reason that it is a prime area. There is commercial zoning further to the south along Manchaca Road which is not located at major intersections per se. There is a dentist office to the north and a tract of land which has recently been zoned "C" Commercial and will be used for a service station. The necessary widening needs for the streets will be dedicated as it is realized that streets serving commercial property should have sufficient right-of-way.

No one appeared in opposition to the request.

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C14-68-166 Ralph E. Hays and R. D. Seider--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied for the following reasons:

1. The requested zoning could set a precedent for future strip zoning along Manchaca Road.
2. Inadequate right-of-way.
3. Piece-meal zoning.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Ralph E. Hays and R. D. Seider for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at (Tract 1) 6202-6212 Manchaca Road and (Tract 2) 6218-6316 Manchaca Road be DENIED.

C14-68-167 Irene L. Stanford: A to O
4111-4113 Bellvue Avenue
1107 West 42nd Street

STAFF REPORT: This application covers 10,250 square feet of land which is located at the intersection of Bellvue Avenue and West 42nd Street. The stated purpose of the request is for a barber shop. There have been several zoning requests in the past few years in this area, particularly along Marathon Boulevard, at which time "O" Office zoning was granted. The area along Medical Parkway is zoned and developed with "C", "LR" and "B" zoning. The surrounding area between Bellvue Avenue to Marathon Boulevard, and West 41st Street to West 43rd Street is developed with a number of non-conforming uses and single-family dwellings. The area along North Lamar Boulevard is developed with various commercial uses. The staff has no objection to the requested zoning as it is consistent with the zoning and development in the area; however, West 42nd Street, with a present right-of-way of 50 feet, should be widened to 60 feet which will require five feet from the subject site.

TESTIMONY

WRITTEN COMMENT

Code

AG	Ervyr Shpeherd: 4209 Bellvue	FOR
A	T. R. Bethke: 1105 West 42nd Street	FOR
BC	Henry B. Palmer: 5722 Highland Hills Drive	FOR

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C14-68-167 Irene L. Stanford--contd.

PERSONS APPEARING AT HEARING

Code

A	J. F. Stanford: 1107 West 42nd Street	FOR
AP	John Peterson: 4202 Marathon Boulevard	FOR

SUMMARY OF TESTIMONY

Mr. Stanford was present at the hearing and presented a letter offering to dedicate five feet of right-of-way for the widening of West 42nd Street. He explained that the zoning is requested so that he can have a barber shop in his home.

One nearby property owner appeared in favor of the request.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Irene L. Stanford for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4111-4113 Bellvue Avenue and 1107 West 42nd Street be GRANTED.

C14-68-168 James T. Watson: Int. A, Int. 1st to BB, 1st (Tr.1) & C, 1st & B, 1st
Tract 1: 1401-1409 Clearfield Drive (Tr.2) (as amended)
 8400 Sequoia Drive
 Tract 2: 8309-8325 U. S. Highway 183

STAFF REPORT: This application covers two tracts of undeveloped land totaling approximately four acres. The stated purpose of the request is for apartment and commercial development. There was an earlier preliminary plan which indicated that the subject property was part of Wooten Village Section 4, Sub-division at which time Sequoia Drive was proposed to extend into the site as a cul-de-sac street. The surrounding area is for the most part commercial in character. There have been numerous zoning changes to "B" Residence, First Height and Area zoning in the area to the north along Beach Drive and Clearfield Drive. The area fronting onto U. S. Highway 183 has developed with "C" Commercial zoning on the north and south side. To the west, across U. S. Highway 183, "C" Commercial zoning was recently granted for a depth of 200 feet, and "B" Residence, First Height and Area zoning for the remaining portion of the lot fronting onto Beech Drive. The staff has no objection to the requested "C" Commercial zoning along U. S. Highway 183 as this would allow appropriate development along a major highway; however, it is felt that this

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C14-68-168 James T. Watson--contd.

zoning should be limited to a depth of 200 feet as in a previous case on the opposite side of U. S. Highway 183. The staff recommends that "B" or "BB" Residence, First Height and Area be established for the remaining portion of the property which could be developed with low density apartments. If the zoning change is recommended, the staff feels that access should be only to U. S. Highway 183 and Clearfield Drive and not Sequoia Drive, a 50 foot residential street. Clearfield Drive, with a present right-of-way of 50 feet should be widened to 60 feet which will require five feet from the subject property.

TESTIMONY

WRITTEN COMMENT

Code

A Nelson Puett: P. O. Box 9038

FOR

PERSONS APPEARING AT HEARING

Code

A James T. Watson (applicant)

SUMMARY OF TESTIMONY

Mr. James T. Watson was present on behalf of this application and stated that there is no objection to limiting access off of Sequoia Drive and no objection to dedicating the extra five feet of widening for Clearfield Drive; however, it is felt that the zoning should be as has been submitted. This was discussed with a member of the Planning Department who suggested that the zoning application be filed in this manner.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they recommended that "C" Commercial zoning be granted along U. S. Highway 183 for a depth of 200 feet, and "BB" Residence, First Height and Area zoning on the remaining portion of the tract, provided Clearfield Drive is made adequate. It was further recommended that there be no access from Sequoia Drive.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate five feet of right-of-way for Clearfield Drive, and requesting that the application be amended to "C" Commercial, First Height and Area zoning for a depth of 200 feet for the property fronting along U. S. Highway 183, as recommended by the Zoning Committee. It is also requested that "B" Residence, First Height and Area zoning be granted rather than "BB" Residence, First Height and Area in order to meet the needed density for the proposed apartment development. The staff has discussed this with Mr. Watson who has said that he will submit a special permit application on this property for apartment and commercial development. The access on Sequoia Drive can be handled by the special permit.

633
~~629~~

C14-68-168 James T. Watson--contd.

The Commission accepted the request to amend the application to "C" Commercial for a depth of 200 feet along U. S. Highway 183 and "B" Residence, First Height and Area for the remainder of the site. They felt that the request should be granted as the proper and logical zoning for the site. It was then unanimously

VOTED: To recommend that the request of James T. Watson for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tract 1) for property located at 1401-1409 Clearfield Drive and 8400 Sequoia Drive and "C" Commercial, First Height and Area, for a depth of 200 feet along U. S. Highway 290 and "B" Residence, First Height and Area for the remaining portion of Tract 2 (as amended) for property located at 8309-8325 U. S. Highway 183 be GRANTED.

C14-68-169 Dick Rathgeber and Donald L. West: Int. A, Int. 1st to LR, 1st
Tract 1: 701-731 Eberhart Lane (Tr.1) & BB, 1st (Tr.2)
6400-6418 South First Street
Tract 2: 6420-6516 South First Street

STAFF REPORT: This application covers two tracts of undeveloped land totaling approximately 4.6 acres. The stated purpose of the request is for apartments, drive-in grocery store and a service station. A preliminary plan has been submitted on the site which proposes commercial development for Tract 1 and single-family and duplex development for Tract 2. The development policy, recommended by the staff and Planning Commission, is to consider the establishment of appropriate zoning prior to approval of preliminary subdivisions. The surrounding property has recently been annexed to the City and is presently zoned Interim "A" Residence, Interim First Height and Area. South First Street, a major arterial street and Eberhart Lane, a minor collector street have 60 feet of right-of-way.

With reference to the preliminary plan submitted on the site, there is an alternate residential plan for the proposed commercial area. To the south, there is a larger proposed commercial site, which will be at the intersection of the proposed South Loop and South First Street. The staff is encouraging non-residential development in newly developing areas occur primarily at the intersection of major arterials rather than between major arterial streets as this would tend to set a precedent for future strip zoning; therefore, it is recommended that the requested "LR" zoning on Tract 1 be denied, and that "BB" Residence, First Height and Area zoning be granted along South First Street between Eberhart Lane and King Edwards Lane. It is felt that the western 270 feet of Tract 1 can be developed with single-family dwellings as proposed in the alternate preliminary plan.

TESTIMONY

WRITTEN COMMENT
Code

None

C14-68-169 Dick Rathgeber and Donald L. West--contd.

PERSONS APPEARING AT HEARING

Code

- A Dick Rathgeber (applicant)
- A Donald L. West (applicant)
- John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that he does not agree with the recommendation by the staff of granting commercial uses only at major intersections. He explained that the subject property is located very far out where development has yet to occur. As a practical matter, when a tract of this size is developed, people do not want to live on a 60 foot or 80 foot street. The applicants own 39 acres to the south, 30 acres to the east and 27½ acres to the north and it is felt that this location at South First Street and Eberhart Lane is a very fine location for a drive-in grocery store. This type of development will blend in with the plans for the area and be a convenience to the residential homeowners. On the plan that was submitted, the surveyor noted that this particular corner would be commercial. There are several houses under construction now, and if the zoning is granted, signs will be placed at this location saying that this is "LR" property for a drive-in grocery and the other lots are "BB" for apartments so that anyone who buys a lot in this area will know exactly what development is planned. The plans are for approximately 200 or 300 homes in the neighborhood which creates a demand for the service type development which is proposed.

There is a drainage ditch running parallel to the planned commercial and apartment area; therefore, a buffer will be established between the homes and the proposed development. The "BB" district will face on a 80 foot street which will provide another buffer. The point is that the applicants own approximately 100 acres of undeveloped land in this area which is already platted in lots. It is only natural that this area be served by service type facilities.

Mr. Donald L. West, one of the applicants, stated that it should be pointed out that the development of the loop to the south maybe seven to eight years off and there will be changes and families living in this area who will need service type facilities close to their homes.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning on Tract 1 should be denied as it would tend to set a precedent of strip zoning along South First Street; however, they recommended that all of Tract 2 and the front portion of Tract 1, parallel to Tract 2, be zoned "BB" Residence, First Height and Area as the proper zoning for the area.

C14-68-169 Dick Rathgeber and Donald L. West--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dick Rathgeber and Donald L. West for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tract 1) be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED for the front portion of Tract 1, located at 701-731 Eberhart Lane and 6400-6418 South First Street, parallel to Tract 2, and that the request for "BB" Residence, First Height and Area on Tract 2, located at 6420-6516 South First Street be GRANTED.

C14-68-170 H. E. Butt Store Property: A to LR
 90-94 Waller Street
 1106-1110 Willow Street

STAFF REPORT: The subject property consists of 20,155 square feet of land. The stated purpose of the request is for enlarging the H.E.B. Store and parking. The existing H.E.B. Store is located on property adjoining to the north, having frontage onto East First and Waller Streets. "C" Commercial, Second Height and Area is established on both sides of East First Street but is developed predominantly with single-family and duplex development. There are some commercial uses, but for the most part the area is still residential. The area to the south, east and west is zoned and developed with single-family dwellings. There is a church located on property to the east across Waller Street. Extending commercial zoning would be an intrusion into a residential area; however, it is felt that in this particular case, the staff can recommend in favor of the change. The staff recommends that the erection of a fence along the west property line to buffer the residential development from the proposed store, and along the Willow Street side which would be the rear of the store building. The homes in the immediate area will have some protection by screening. The concern is that the back of grocery stores generally becomes the dumping ground for empty boxes and trash, and it is recommended that the area subject to this use be screened from the residential neighborhood. The store does provide a very definite service for this area and it is recommended that the "LR" zoning be granted with the condition that the developers have a fence or a screening of some type on the property as indicated.

Waller Street, with a present right-of-way of 54 feet, should be widened which will require three feet from the subject site. Inasmuch as the applicants also own the adjoining property and there will be a joint development, it is recommended that three feet also be required on the adjoining site. Five feet of right-of-way is also needed on the adjoining tract for the future widening of South First Street. It is recognized that the adjoining tract is not part of the application but this will be involved in a joint development of the area, and it is felt that now is the proper time to request the needed right-of-way.

C14-68-170 H. E. Butt Store Property--contd.

TESTIMONY

WRITTEN COMMENT

Code

V Mrs. Joe Burton: 1101 Willow Street FOR

PERSONS APPEARING AT HEARING

Code

Robert McCreary (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert McCreary, representing the applicant, stated that the existing grocery store is in the old 10th Ward Fire House. The applicants propose to build a new building on the subject property which would cost approximately \$100,000. While the store is being built the applicants plan to utilize the small store on the tract north of the subject site. After the new building is erected, the front lot will be used for parking. With regard to the fencing on the west side there is no particular objection to providing a fence between the store property and the residential houses located on the adjoining site; however, it is felt that a fence should not be required on the Willow Street side of the property as this part of the property will be used to serve the street from the rear and a fence would be in the way. There will be an incinerator to the rear and a place for the boxes. H.E.B. already has patron parking on the subject lot which is used on occasion by the church across the street. With references to right-of-way for Waller Street and South First Street, the applicants will be willing to dedicate the necessary right-of-way when it is needed for the expansion of the street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided the streets are made adequate, as a logical extension of existing zoning. It was further recommended that a privacy fence be required along the west side of the site in order to screen the adjoining residences.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. E. Butt Store Property for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 90-94 Waller Street and 1106-1110 Willow Street be GRANTED.

C14-68-172 Clarence Flournoy: A, 1st to B, 2nd
1007 East 13th Street

STAFF REPORT: This application covers an area of 10,125 square feet. The proposed zoning would allow 14 one bedroom units. "C" Commercial, Second Height and Area zoning is established on both sides of East 12th Street; however, it is developed with single-family and two-family residences. On the west side of Olander Street is "B" Residence, Second Height and Area. The remaining area between Olander Street east to San Bernard Street is zoned "A" Residence, First Height and Area, and is developed with several non-conforming uses of more than one residential structure on a lot, and duplexes, but retains its single-family, low-density characteristics. Consideration for a zoning change should be based on low density zoning rather than the requested zoning. The staff recommends denial of this request; however, we would look with favor on "BB", First Height and Area zoning, which would conform to the medium density designation outlined in the Master Plan for this area.

TESTIMONY

WRITTEN COMMENT

Code		
AS	Mrs. Katie McLemore: 1203 East 13th Street	AGAINST
W	Connie Y. Conner: 1115 East 12th Street	AGAINST
Q	Elmer Akins: 1117 East 12th Street	AGAINST
U	Mrs. Callie S. Jacques: 1015 East 12th Street	AGAINST
D	Jimmy R. Moody: 1005 East 13th Street	AGAINST

PERSONS APPEARING AT HEARING

Code		
A	Clarence Flournoy (applicant)	
D	Mrs. Martha Moody: 1005 East 13th Street	AGAINST
H	Dorothy Overton: 1112 East 12th Street	AGAINST
J	Vivin J. Chambers: 1110 East 12th Street	AGAINST
AR	Artelia Owens: 1202 East 13th Street	AGAINST
AS	Katie McLemore: 1203 East 13th Street	AGAINST
AU	Gilmore W. Alexander: 1207 East 13th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Clarence Flournoy, was present at the hearing and stated he planned to build 10 two bedroom units and provide 20 parking spaces. He felt there was a definite need in East Austin for new residences and called attention to the 80 unit apartment group built on 12th Street. He saw no objection to building the apartments in the area and remarked on the apartment sites among single-family residences in the Enfield area and elsewhere. He noted a grocery store and garage in the immediate area and felt apartments would upgrade the neighborhood.

C14-68-172 Clarence Flournoy--contd.

Arguments Presented AGAINST:

The surrounding property owners objected to what they considered an intrusion into a single-family area. They are opposed to the change of zoning for reasons of congestion, noise, and density in a quiet residential atmosphere. They considered that the apartments would create an undesirable low rent district.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Clarence Flournoy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1007 East 13th Street be DENIED:

C14-68-173 Mrs. Wilbur C. Treadwell: A to BB
211-215 West Powell Lane
210-214 Lola Lane

STAFF REPORT: The subject property contains 21,780 square feet of land, and if zoned as requested, would permit 12 one bedroom units on the site. "C" Commercial zoning was established on property directly to the west in 1966 for the Red Arrow Freight Company. "GR" zoning to the north of West Powell Lane was established in 1956. To the north of the "GR" district is "B" Residence, First Height and Area zoning. Property to the south of West Lola Drive is zoned "B" Residence, First Height and Area and developed with a series of duplexes. The staff has no objection to the requested zoning because of the adjacent zoning pattern; however, West Powell Lane is a neighborhood collector street and should be widened by approximately 15 feet from the subject site. It is recommended that the requested zoning be granted, subject to the right-of-way for West Powell Lane being made adequate. It is felt that West Lola Drive, with a present right-of-way of 50 feet, does not need to be widened as it dead-ends to the west and will probably not be continued.

TESTIMONY

WRITTEN COMMENT

Code

F Don Jackson: 6002 Spancreek FOR

PERSONS APPEARING AT HEARING

Code

A Wilbur C. Treadwell (applicant)
L John Peterson: P. O. Box 9025 FOR

640
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C14-68-173 Mrs. Wilbur C. Treadwell--contd.

SUMMARY OF TESTIMONY

The applicant was present and stated that he had nothing to add to the staff report.

One nearby property owner appeared in favor of the requested change.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West Powell Lane; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as it is in keeping with the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Wilbur C. Treadwell for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 211-215 West Powell Lane and 210-214 Lola Drive be DENIED.

C14-68-174 Sam F. Meyers: A to BB
2504-2508 Marlton Drive
1013-1015 Norwalk Lane

STAFF REPORT: This site contains 10,690 square feet of land which is presently undeveloped. The stated purpose of the application is for apartment development. The site is located to the north of O'Henry Junior High School. This area is predominantly developed with single-family and two-family homes, and has been able to maintain itself for a number of years. Property north of West 12th Street was zoned "B" Residence in 1941 although it is developed with single-family and two-family development. In 1959 a request for "B" Residence, First Height and Area zoning was denied on the subject property as an intrusion into a single-family district. Marlton Drive is a minor residential street with only 30 feet of right-of-way. Norwalk Lane has a present right-of-way of 50 feet. In view of the inadequate streets and because of the single-family and two-family character of the area, the staff recommends that the request be denied. If the Committee recommends in favor of a zoning change, a minimum of five feet of right-of-way is needed for Norwalk Lane and approximately 15 feet of right-of-way would be needed from Marlton Drive.

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C14-68-174 Sam F. Meyers--contd.

TESTIMONY

WRITTEN COMMENT

Code

D	Raymond Truitt, et al: 1100 Wayside Drive	AGAINST
T	Buck S. Alford: 2408 Marlton Drive	AGAINST
W	Jimmie E. Wallace: 1106 Heritage Way	AGAINST
AA	Alma M. Freeland: 2411 Marlton Drive	AGAINST
AB	Peyton B. Dooley: 2409 Marlton Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

	John B. Selman (representing applicant)	
D	Raymond Truitt: 1100 Wayside Drive	AGAINST
J	Eva B. Bayne: 1014 Wayside Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that this is a very unique application in that the neighborhood is approximately 30 years old. The subject lot is the only lot in the area that is still undeveloped. There is duplex development in the area and nice homes are established on property adjoining this type development. The applicant has a contract to buy the subject property for \$9,000. It is generally beyond most middle income budgets to build a single-family residence on a lot which cost nine thousand dollars. Consideration should be given as to what can be done if a \$9,000 lot is purchased in an area that is approximately 30 years old. There is apartment house development in this immediate area and there is an area developed with duplexes which will serve as a buffer to the proposed development. The applicant proposes to build apartments and plans to live in one of the apartments himself. This makes for a very unique situation as property owners do not generally live in the apartments they own. The applicant has stated that he will put a fence that will be a type of shield along part of the area. Directly across from the property there is a school and parking lot. It is felt that the development of apartments can blend in with the existing neighborhood and will not be a detriment to any neighbors. When apartment development is contemplated, consideration is given to the streets. Since the subject lot is on a corner, the applicant did ask that he be allowed to give an easement for electrical and gas lines in the front so that he can utilize the entire portion of the site. Mr. Selman stated in the particular area along Norwalk Lane to the north he counted 107 apartments which are developed across from single-family homes. It is difficult to justify why the people on Norwalk Lane can utilize their property in the manner the applicant is requesting but he is not allowed to do so.

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C14-68-174 Sam F. Meyers--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that the requested zoning would be an intrusion into a well-established residential area. They explained that streets in the area are very narrow and there is a severe parking problem because of the O'Henry Junior High School to the south. The granting of apartment zoning on the site would be detrimental and would be creating a traffic hazardous situation for the many children in the area who walk to school.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential area which is served by inadequate streets.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering a restrictive covenant limiting the development on the site to four units and also offering to dedicate five feet of right-of-way for Norwalk Lane. The staff requested five feet of right-of-way for Norwalk Lane and 15 feet of right-of-way for Marlton Lane if a change in zoning is granted.

Mr. Osborne stated that O'Henry Junior High School is established on a large area across Marlton Lane to the south and there is a relatively small parking area on the school property which is directly to the south or southwest. It is felt that in the event there is consideration of rezoning that the entire block should be considered rather than one parcel of land as this would be piece-meal zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sam F. Meyers for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2504-2508 Marlton Drive and 1013-1015 Norwalk Lane be DENIED.

C14-68-175 Willow Springs, Inc.: Int. A, Int. 1st to BB, 1st (Tr.1), LR, 1st
Tract 1: Rear of 433-717 Woodward Street (Tr.2) & DL, 1st (Tr.3)
Tract 2: 433-717 Woodward Street
Tract 3: 719-807 Woodward Street

STAFF REPORT: This application covers three tracts of land totaling approximately 41 acres. The stated purpose of the request is for uses as designated in the Zoning Ordinance. The request is for "BB" Residence, First Height and Area zoning for Tract 1, which is the large tract located to the rear of Tract 2. "LR" Local Retail, First Height and Area is requested for Tract 2, fronting onto Woodward Street and "DL" Light Industrial, First Height and Area is requested for Tract 3 which is located on the eastern 200 feet of the site.

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C14-68-175 Willow Springs, Inc.--contd.

Recently the Austin Development Plan was amended from an Industrial use designation to a residential use designation for the area south of Woodward Street. At that time, the Council recommended that the eastern 200 feet of the site which is Tract 3, be retained for Light Industrial purposes.

The area to the south of the subject property, with the exception of Assumption Cemetery is classified as Industrial in the Master Plan. Property adjoining Tract 3 to the east is developed with a chemical company. A hospital is established on property adjoining Tracts 1 and 2 to the west and there is a residential subdivision west of Willow Springs Road. St. Edwards University is established on the north side of Woodward Street.

Woodward Street, a major arterial street with a present right-of-way of 60 feet, is scheduled to be widened, which will require 15 feet from the subject site. There is a proposed street extending from Woodward Street through Tract 3 which will have 80 feet of right-of-way all of which will come from the subject site. This will leave approximately 120 feet of Tract 3 for industrial purposes. The staff recommends that the requested zoning on Tract 1 be granted, and the "LR" Local Retail on Tract 2 be restricted to the north 150 feet of the two proposed lots abutting Tract 3, having frontage onto Woodward Street and that the remaining portion of Tract 2 be zoned "BB" Residence, First Height and Area. It is further recommended that the requested "DL" on Tract 3, be granted as it is in conformance with the recent Master Plan change in the area.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John B. Selman, attorney for the applicants, stated that in filing a request they kept in mind what was proposed to the Planning Commission and City Council with regard to zoning when the request for Master Plan amendment was made. It was stated that the request would be "DL" Light Industrial for the eastern 200 feet of the site, "LR" for the frontage on Woodward Street across from St. Edwards University and "BB" Residence, First Height and Area zoning for the balance of the tract. Mr. Selman stated that it is now realized that "LR" zoning for the entire length of Tract 2 would probably not be utilized in a lesser district and a portion of the tract would probably not be objectionable; however, this would have to be discussed with the applicants.

No one appeared in opposition to the request.

C14-68-175 Willow Springs, Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "BB" Residence, First Height and Area zoning on Tract 1 should be granted and that "LR" Local Retail, First Height and Area for Tract 2 should be denied, with the exception of the north 150 feet of the two proposed lots abutting Tract 3 and having frontage onto Woodward Street, and that "BB" Residence, First Height and Area zoning be granted for the balance of Tract 2, and that the requested "DL" Light Industrial, First Height and Area on Tract 3 be GRANTED.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Willow Springs, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tract 1) be GRANTED; "LR" Local Retail, First Height and Area (Tract 2) be DENIED, with the exception of the two proposed lots abutting Tract 3 on the west which should be zoned "LR" Local Retail, First Height and Area and that "DL" Light Industrial, First Height and Area (Tract 3) be GRANTED.

C14-68-176 University Properties: O, 2nd, C, 2nd & C, 3rd to C, 4th
2001-2027 Guadalupe Street
301-319 West 21st Street
304-312 West 20th Street
2006-2018 Whitis Avenue
Add'n Area: B, 2nd to C, 4th
2000-2004 Whitis Avenue
300-302 West 20th Street

STAFF REPORT: This application covers 122,770 square feet of land. The two remaining lots in this block, contain 17,500 square feet and have been included as additional area in order to complete the zoning pattern. The stated purpose of the application is for high rise development and other commercial uses. There is mixed zoning in the area consisting of "C" Commercial, Second and Third Height and Area on both sides of Guadalupe Street, West 21st Street and West 19th Street. The University of Texas is established on unzoned property to the north. The requested zoning will not involve the alley until it is vacated. The staff recommends the request be granted as the proper zoning for the University area and the street rights-of-way are adequate to serve the proposed development.

TESTIMONY

WRITTEN COMMENT

Code

AJ August H. Wukasch, et al: 3209 Oakmont FOR
AK Mrs. Joe A. Wukasch: 1101 West 22½ Street FOR

C14-68-176 University Properties--contd.

B	Mrs. Sarah Schwartzberg: South Texas Bldg., San Antonio	
		FOR
Y	Mrs. Horace C. Bannhart, et al: 1501 Palma Plaza	FOR
AA	Emile Linberg: 2000 University	FOR

PERSONS APPEARING AT HEARING

Code

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed was present on behalf of this request and stated that he concurs with the staff recommendation.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, including the additional area, as the proper zoning and development for the University area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Properties for a change of zoning from "O" Office, Second Height and Area and "C" Commercial, Third Height and Area to "C" Commercial, Fourth Height and Area for property located at 2001-2027 Guadalupe Street, 301-319 West 21st Street, 304-312 West 20th Street and 2006-2018 Whitis Avenue be GRANTED and that a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for the additional area located at 2000-2004 Whitis Avenue and 300-302 West 20th Street be GRANTED.

DISQUALIFIED: Mr. Dunnam

C14-68-177 Nora Todd Elliott: A, 1st & C, 6th to B & C, 5th (as amended)
101-331 Ben White Boulevard
4100-4126 South Congress Avenue
114-314 Radam Lane

STAFF REPORT: The property under consideration covers a large area containing 13.06 acres of land which is presently undeveloped. The stated purpose of the application is for commercial development. The area is developed with a mixture of zoning patterns consisting of "C" Commercial on the west side of South Congress, which is developed with a drive-in theatre on the subject site, store, and miniature golf course. On the east side of South Congress Avenue there is "D" Industrial zoning. Along Ben White Boulevard there is a church and some single-family development; however, most of

C14-68-177 Nora Todd Elliott--contd.

Ben White Boulevard has been developing with "GR" General Retail uses which have occurred in the past three or four years. The staff has no objection to the request as it is felt that commercial zoning is appropriate for the area; however, it is felt that "GR" General Retail, Fifth Height and Area zoning would be preferable and would be in keeping with the existing development along Ben White Boulevard.

TESTIMONY

WRITTEN COMMENT

Code

C	St. Johns Lutheran Church: 310 Radam Lane	AGAINST
K	J. D. Murray: 310 Clarke	FOR
X	Francisco Tello: 4001 Reyna	AGAINST
AR	C. B. Smith Motors: P. O. Box 579	FOR

PERSONS APPEARING AT HEARING

Code

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney for the applicants, stated that the application originally included only five acres of the site. In studying the property it was discovered that while a portion of the property had an established commercial use, it was zoned "A" Residence, First Height and Area, and is apparently a non-conforming use. The request was filed to include all of the area. "C" Commercial was requested to tie the property together since there is a steady pattern of "C" Commercial and "D" Industrial zoning immediately to the east, and this is a logical gradation from Industrial to Commercial zoning. It is not known if there is an intended use for the site at this time. All the property is under one ownership and a portion of the site is under lease to the drive-in theatre. The staff indicated that an error may have occurred in the sending of notices in that Mr. Gus J. Moos, was not notified. The tax records reflect that the corner property is in the name of Mr. Moos who is deceased and this was checked with Mr. Stanley Moos, who said that his Mother did received notice of the hearing around August 2nd.

Arguments Presented AGAINST:

A representative of St. John's Lutheran Church, established on adjoining property, was present and stated that members of the church are concerned about the building that may be developed on the site. If the property is zoned "C" Commercial, it is felt that a restriction should be required so that development would not detract from the church.

C14-68-177 Nora Todd Elliott--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the proper and logical zoning for the site.

At the Commission meeting, the staff reported a letter from Mr. Robert Sneed, attorney for the applicant, requesting that this application be amended to "B" Residence, Fifth Height and Area for the westerly 20 feet, running from Ben White Boulevard to Radam Lane, and that the balance of the property be zoned "C" Commercial, Fifth Height and Area. Mr. Lillie advised the Commission that the "B" zoning would serve as a buffer between the commercial development on the "C" portion of the site and the church on the adjoining tract.

The Commission accepted the request to amend the application and unanimously

VOTED: To recommend that the request of Roy C. Elliott Estate for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "C" Commercial, Fifth Height and Area & "B" Residence, Fifth Height and Area (as amended) for property located at 101-331 Ben White Boulevard, 4100-4126 South Congress Avenue and 114-314 Radam Lane be GRANTED.

C14-68-178 Austin Development Company: Int. A, Int. 1st to BB, 1st
Rear of 6940-7040 U. S. Highway 290

STAFF REPORT: This application covers a large area of undeveloped land containing approximately 17 acres. The stated purpose of the request is for a townhouse, fourplex and an apartment complex development. The subject property is part of the Coronado Hills Preliminary Plan which was submitted several months ago for single-family development. Since that time, the Department has received a number of revisions. There is commercial development and zoning along U. S. Highway 290 and a high school and football stadium is established on property adjoining the site to the west. An elementary school site is located to the north of Reagan High School. The proposed development is the second large tract for multi-family type of development in the triangular area bounded on the south by U. S. Highway 290, on the north by Ed Bluestein Boulevard, and on the west by Cameron Road and it is important that street circulation in the area should be adequate to get traffic in and out of the area onto major arterial streets. The subdivider of the property proposes a number of 60 and 70 foot collector streets through the development opening to the major thoroughfares. There will be a grade separation located at Berkman Drive and Cameron Road and U. S. Highway 290. The purpose of proposing "BB" Residence, First Height and Area zoning in this particular area is to form a buffer between the high school and stadium activities and proposed single-family areas to the east and north. The area to the east of

C14-68-178 Austin Development Company--contd.

Creekside Drive is also proposed for low density apartment development which will also serve as a buffer from the commercial uses as they develop along Highway 290. The staff recommends that this request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the proper and logical zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austin Development Company for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at the rear of 6940-7040 U. S. Highway 290 be GRANTED.